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Chair: Mr. Eriza (Vice-Chair) ..... (Indonesia)

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In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40 and A/C.3/71/4)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385, A/71/405 and A/C.3/71/5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Ms. Elver** (Special Rapporteur on the right to food), introducing her report (A/71/282), said that the decision by the General Assembly to proclaim the United Nations Decade of Action on Nutrition created a unique opportunity to approach nutrition from a human rights perspective, and was therefore a significant step towards realising the fundamental right of everyone to adequate food. Her report emphasized that the human right to adequate food should be properly interpreted as the right to a standard of nutritional quality rather than a minimum number of calories. Nutrition was critical to the achievement and maintenance of good health, particularly for the most deprived populations, and was thus an indispensable component of the right to health.

2. **Mr. Uğurluoğlu** (Turkey) said that food security and nutrition issues continued to be relevant, especially with the adoption of the 2030 Agenda for Sustainable Development. Malnutrition was a growing threat that required the international community to adopt a comprehensive, multisectoral approach. He asked the Special Rapporteur to elaborate on the role public-private partnerships should play in meeting the targets concerned with food security and nutrition under the Sustainable Development Goals.

3. **Ms. Karimdoost** (Islamic Republic of Iran) said that international regulations were indeed needed to control the powerful economic actors flooding global markets with unhealthy food. The Guiding Principles on Business and Human Rights must be implemented to ensure corporate responsibility of the food and nutrition industry and enforce the rights of victims to seek redress for human rights violations, including in cross-border cases. Multinational corporations that were outcompeting local businesses in developing countries were perceived as not only an economic threat, but also a cultural one. Global food and drink firms expanding into middle-income countries argued that they were finding innovative ways to give poor people the kinds of choices the rich had enjoyed for years, as well as providing jobs, but health activists feared that the arrival of highly processed food and drink was a factor in the unprecedented rise of diseases such as obesity, diabetes, heart disease and alcoholism in developing countries.

4. **Ms. Ruminowicz** (Poland) thanked the Special Rapporteur for her recent country visit to Poland. Her Government's legislative and policy initiatives in support of ensuring that everyone could enjoy the right to adequate food included a financial support scheme targeting families with two or more children. As Poland became a major global food producer, her Government also sought to ensure that it produced the highest possible quality of food.

5. Child malnutrition presented an enormous challenge. More than 20 per cent of Polish children were either overweight or obese; her Government had taken various measures to address the problem, including, in August 2015, adopting a law on foodstuffs intended for sale to children and young people at educational institutions. The new law restricted access to food containing significant amounts of ingredients with potential negative impacts on health, such as fat, sugar and salt. She asked what other good practices the Special Rapporteur had identified to promote healthy diets among children and adolescents.

6. **Mr. Forax** (Observer for the European Union) asked what concrete policy measures States could adopt to combat malnutrition from a human rights perspective at the national level, in view of the strong connection between malnutrition and factors such as poverty, gender inequality, social exclusion and lack of access to water, sanitation, education and health services. How could State nutrition policies specifically target vulnerable groups including the unemployed, low-income families, children, rural women, older persons, and migrants and refugees? Secondly, given that climate change was likely to negatively impact global food security, sustainable development and efforts to eradicate poverty, he asked how food and nutrition policies could improve the resilience and sustainability of food systems and support a more equitable distribution of food resources.

7. **Ms. Brooke** (United States of America) said that despite not being a State party to the International Covenant on Economic, Social and Cultural Rights, her Government supported the human right of everyone to adequate food. Her delegation had a number of systemic concerns about the report, related to the Special Rapporteur's inaccurate depiction of trade, food production and intellectual property rights as factors causing malnutrition, despite historical and economic evidence to the contrary; as well as her mischaracterization of international human rights law. There was little analysis of the factors driving food production and consumption choices. The Special Rapporteur suggested policies that might, in fact, increase malnutrition, while objecting to a number of practices that had increased the availability of safe and nutritious food across developing countries, such as food production and trade. She made inappropriate policy prescriptions concerning areas such as tax, intellectual property rights, food production, trade, and restrictions on marketing and advertising. The Special Rapporteur should develop recommendations grounded in fact and consistent with countries' international obligations.

8. The United States had been the world's largest Food Aid donor for over a decade and remained committed to ending all forms of malnutrition, especially among children. She asked how the Special Rapporteur planned to address unhealthy eating habits.

9. **Ms. Hafliger** (Switzerland) said that the existing food production and marketing systems must be changed to enable universal access to healthy and nutritious food. Worldwide, the production of primary food products must be diversified, policies and investments should support small farmers to produce nutritious food while enjoying decent conditions of life, and governments should identify priorities with regard to the effective implementation of legislation on the realisation of the right to food.

10. She asked, firstly, how the Sustainable Development Goals could take into account the progress that had already been made on sustainably improving the existing food production systems, and specifically how the Goals could address the problem of obesity in industrialized countries. Secondly, she wondered how the private sector, including small farmers, could be encouraged to adopt production and processing models that would support a diversified, nutritious diet, while contributing to society socially and environmentally. Lastly, she asked what non-financial incentives governments could provide to private companies in order to improve the existing global food system.

11. **Ms. Mballa Eyenga** (Cameroon) said that while the transnational corporations that controlled global food supply chains necessarily had a role to play in realising everyone's right to food, there were clear conflicts of interest, with transnational corporations being partly to blame for malnutrition. Transnational corporations' home countries had a crucial role to play in making sure that nutrition policy was approached from a human rights perspective. In view of those considerations, she asked the Special Rapporteur to provide some examples of good practice to show both how home countries could regulate transnational corporations and how companies could be socially responsible.

12. **Ms. Savitri** (Indonesia) said that numerous Indonesian programmes and frameworks illustrated the importance that her Government attached to food security. Her Government had recently mainstreamed the 2030 Agenda into its national development plan, enacted legislation on food security and nutrition, and, in 2012, launched a nutrition awareness programme designed to promote healthy and balanced food consumption patterns, with a particular focus on

maternal and infant nutrition. Her Government had extended an invitation to the Special Rapporteur to conduct a country visit to Indonesia.

13. **Ms. Moutchou** (Morocco) said that the comprehensive approach to food security adopted by her Government was resulting in significant progress. Agricultural production was being enhanced under the Green Morocco Plan, launched in 2008, and a national nutrition strategy for the period 2011-2019 was in place.

14. Large corporations' aggressive marketing tactics were concerning, especially when they targeted children. She asked what concrete recommendations the Special Rapporteur had for States and the private sector to counter the promotion of mass-produced, unhealthy foods — particularly their promotion by famous athletes and at major sports events such as the Olympic Games.

15. **Ms. Gebrekidan** (Eritrea) said that her Government had issued a standing invitation to the Special Rapporteur to conduct a country visit to Eritrea. Achieving food security was her Government's highest priority under its work to eradicate poverty. It was currently focusing on irrigation systems, water and soil conservation, water harvesting and strengthening infrastructure, all with a view to increasing food production and improving food distribution. In a region severely affected by drought and damaged by El Niño, her Government's success in making adequate food available to all its citizens was a testament to the effectiveness of its approach. However, much remained to be done and her Government remained committed to ending food insecurity.

16. **Ms. Elver** (Special Rapporteur on the right to food) said that the 2030 Agenda was a comprehensive document: in addition to Goal 2 on hunger and malnutrition, many of the development issues it addressed, such as women's empowerment, water and climate change, were directly or indirectly related to food security and malnutrition. The Agenda avoided explicit references to food as a human right, however, and it was therefore important to push for the right to food to be addressed through the Sustainable Development Goals.

17. The private sector comprised a significant part of the nutrition industry and therefore had an important role to play in ending malnutrition. National regulatory frameworks should be designed to achieve the right balance between allowing companies to pursue profit, and holding them accountable for contributing to ending food insecurity. From a human rights perspective, it was extremely important to protect small farmers and support local consumption, rather than permitting multinational corporations to maintain control over food production. It was necessary to address the right to food in relation to the refugee crisis and migration, but the topic was so broad that it merited its own separate report, as did nutrition policy in relation to climate change.

18. She had not misinterpreted international human rights law in her report, as the representative of the United States had claimed. The United States did much valuable work helping to feed the world, particularly in war-torn countries, but the developing world would like to be able to feed itself. Currently only six huge corporations ran much of the food industry worldwide. Corporate sponsorship of sports events by companies that sold unhealthy food was indeed problematic, and needed to be addressed.

19. She had witnessed the good work done by the Polish Government first hand; specifically, the new law restricting the sale of unhealthy foods to children was praiseworthy. That Government should also consider restricting advertising. She would send a written response to the Swiss delegation, which had raised questions that called for detailed answers. She intended to set a date to conduct a country visit to Indonesia, and thanked the Government of Eritrea for its standing invitation.

20. **Ms. Boly** (Special Rapporteur on the right to education), introduced the report of her predecessor, Mr. Singh, on the right to education (A/71/358), which focused on lifelong learning. Lifelong learning benefited not only learners, but also employers, social partners and society as a whole. The education sector should work closely with private technical and vocational training institutions, while the corporate sector and employers should ensure that workers could access opportunities for lifelong learning to enable them to improve their skills and competencies.

21. Setting out the priorities for her term, she said it was important to ensure that all children had access to quality education, including in emergency situations.

She would explore advances in education systems, including decentralization, innovative management ideas and resource mobilization, and examine the role of civil society, parents, students and other actors to ensure that the needs of all stakeholders were met. Another area for investigation was informal education, given that there were millions of out-of-school children, including many with special needs.

22. As an African woman from a nomadic herding community, she had defied the odds to complete her education. Her background meant that she was uniquely positioned to understand the challenges that prevented vulnerable groups from accessing education. She would strive to ensure that her story was no longer an exception.

23. **Ms. Mkhwanazi** (South Africa) said that the right to education, including adult basic education, was enshrined in the Constitution of South Africa. The country's national qualifications framework would help to redress past unfair discrimination and give everyone access to lifelong learning, education and training opportunities.

24. According to the report, financing lifelong learning was the co-responsibility of various stakeholders under the overall promotional and coordinating role of Governments. She would be interested to know the views of the Special Rapporteur on the role to be played by the corporate sector in that regard, given that the voluntary nature of corporate social responsibility meant that it often had no meaningful impact. She also wondered, in the context of increasing migratory flows, how access to lifelong learning opportunities for migrants could be ensured.

25. **Ms. Redinha** (Portugal) said that for too long, education in emergency situations had been deemed a luxury by humanitarian and development actors. In the light of the New York Declaration for Refugees and Migrants, which had committed States to promoting tertiary education, skills training and vocational education, she asked what measures States should take to achieve those ambitious objectives and safeguard higher education in emergency situations.

26. The right to education interfaced with other human rights such as the right to work, to housing and to health; lifelong learning was a powerful driver of personal and social change. She asked what States could do to facilitate the right to lifelong learning in the context of the 2030 Agenda, and what measures States could take to strengthen the normative framework for lifelong learning in a way that was compatible with the right to work and family life.

27. **Ms. Karimdoost** (Islamic Republic of Iran) said that her delegation agreed that States had the obligation to develop comprehensive, inclusive and integrated policies for adult learning and education in its various forms according to their specific conditions, governing structures and constitutional provisions. However, it was difficult for developing countries to meet the increasing demand for higher education and lifelong learning opportunities and respond to the changing needs of learners in terms of knowledge, skills and competencies. International cooperation for lifelong learning was therefore critically important.

28. **Mr. Ríos Sánchez** (Mexico) said that a number of mechanisms and programmes had been established to facilitate lifelong learning in Mexico, including a national institute for adult education. He asked the Special Rapporteur to comment on how developing countries could comply fully with their lifelong learning commitments when many were still struggling to provide basic free education. Noting that the report indicated that the corporate sector, employers and social partners, including civil society and local communities, should be involved in the design of lifelong learning programmes, he requested the Special Rapporteur could share experiences and best practices in that regard. Lastly, he asked what role technology could play in efforts to ensure the right to lifelong learning.

29. **Ms. Al-Temimi** (Qatar) said that education was a key factor for achieving sustainable development. In 2009 Qatar had established the World Innovation Summit for Education to bring together decision makers and experts with a view to sharing ideas and improving education. The theme of the 2015 session of the Summit had been "Investing for impact: Quality education for sustainable and inclusive growth".

30. Noting that lifelong learning was an important opportunity for the growing numbers of refugees and migrants in the world whose formal education had been interrupted, she said that Qatar had incorporated lifelong learning, including technical and vocational education and training, into its education initiatives,

including initiatives it was implementing in emergency and conflict situations, such as the "Qatar Upholding Education for Syrians' Trust".

31. Recalling Goal 4 of the Sustainable Development Goals on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, she asked how States could ensure that sufficient resources were allocated to raise awareness and achieve that Goal.

32. **Mr. Torbergsen** (Norway) said that the report of the International Commission on Financing Global Education Opportunity called for the creation of a "learning generation", with all young people in school and learning within a generation. If that goal were achieved, gross domestic product per capita in low-income countries would be almost 70 per cent higher by 2050 than if current trends continued. The report also warned that the cost of not making the necessary investments in education would be extremely high. New technology would increase the demand for highly skilled labour and make many low- and medium-skilled jobs obsolete, which was a strong argument for supporting lifelong learning. Norway would continue to increase its development budget for education and would double its support over a four-year period.

33. **Mr. Forax** (Observer for the European Union) asked the Special Rapporteur to share specific examples of effective normative frameworks for lifelong learning. In the light of the new opportunities afforded by information and communications technology, he wondered how international cooperation could be harnessed to further develop open educational resources and massive open online courses, as well as how fraudulent or abusive practices could be avoided. Lastly, given the need for increased mobilization of financial resources, it would be interesting to hear about best practices in that regard, including public-private partnerships.

34. **Ms. Moutchou** (Morocco), noting that the report indicated that the normative bases of adult or continuing education had been expanded by instruments created by the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), requested additional information on those instruments. She also asked how resources for lifelong learning could be mobilized; how people could be encouraged to engage in lifelong learning; and what role the private sector should play in providing lifelong learning and training opportunities.

35. **Ms. Naeem** (Maldives) said that the right to education was enshrined in the Constitution of Maldives. Primary and secondary education was free for both boys and girls and the country had achieved universal access to education from pre-primary to secondary level, with a literacy rate of over 98 per cent. Her Government was committed to ensuring that no child was left behind and to promoting lifelong learning, including technical and vocational training for young people.

36. However, given the dispersed nature of the population of Maldives — most of the country's 187 inhabited islands had fewer than 1,000 residents — there were disparities between communities in the provision of education and technical and vocational training. In that connection, it would be useful if the Special Rapporteur could elaborate on the common challenges faced by small island developing States such as Maldives in delivering essential education programmes, including vocational and technical training, and offer suggestions as to how to address such challenges.

37. Ms. Mballa Eyenga (Cameroon) said that more information on the role that businesses could play in developing the skills of the population would be welcomed, as well as examples of good practices. She asked what could be done to promote the principles of collective responsibility in lifelong learning and the right to education more broadly, with the aim of increasing private sector involvement and in view of existing public budget constraints.

38. **Mr. Arslan** (Indonesia) said that his Government continued to allocate 20 per cent of national and regional budgets to education. Through the Ministry of Education and Culture, it had established an online library containing school materials for students at all levels of education. The digital reading equipment necessary to implement the system, such as tablet computers, would be provided by libraries. He requested further information on issues of access to education and the fulfilment of the right to education, particularly in countries with post-conflict situations, and asked what the best strategy would be to ensure that the right to education was realized in those countries.

39. **Ms. Boly** (Special Rapporteur on the right to education) said that Member States would need to continue to make plans and provide mutual support to address the challenges relating to planning and implementing lifelong learning. All countries should adopt a holistic vision of education beginning in childhood. Basic education did not signify only formal primary education but also informal and non-formal education, including education for teenagers unable to go to school and adults who had not attended school. All levels of education must be taken into account, with all learning spaces used and valued equally. Legislative frameworks, such as the framework proposed by UNESCO and ILO, would be helpful in that regard.

40. In terms of domestic legislation, countries should undertake long-term planning and ensure that all individuals had the opportunity to learn, regardless of their situation in life. People in vulnerable situations, such as migrants, must have access to education as a matter of urgency. With regard to private sector involvement in vocational training, international examples of good practice could be found in Finland, Switzerland and, in particular, the Republic of Korea, which had been praised by UNESCO.

41. States must be conscious of the choices they made when using educational resources, and the allocation and management of all resources should be fully transparent. As mentioned by the representatives of Qatar and Norway, the importance of education to national and global development made it crucial to examine how sufficient resources could be mobilized. The initiatives taken by the Global Partnership for Education should continue as a matter of urgency; she would advocate for an increased mobilization of resources in order to ensure that countries were able to dedicate 17 per cent of their national budgets to education.

42. Initiatives had been undertaken to ensure that public-private partnerships were established and used effectively to prevent any increase in social inequalities. States should properly regulate the involvement of the private sector in education through legislation; in order for private sector involvement to be successful, all stakeholders should be aware of their rights and responsibilities. Those responsibilities should be agreed upon and coordinated as it was not advantageous to allow partnerships with the private sector to be driven by profit.

43. **Mr. Alston** (Special Rapporteur on extreme poverty and human rights), introducing his report on extreme poverty and human rights (A/71/367), said that he was disappointed to note that his statement was not being webcast live.

44. In 2010, United Nations peacekeepers had brought cholera to Haiti, affecting 8 per cent of its population. Despite efforts by a number of civil society groups, the United Nations had refused to accept responsibility for the introduction of the epidemic; contested the scientific evidence on the basis of a flawed assessment; insisted that no legal claim for negligence could be brought against it; refused to consider the payment of any form of compensation; issued no apology; and taken insufficient action to promote and strengthen eradication efforts. That approach had flouted international law and enshrined a double standard that exempted the United Nations from having to respect human rights, while reinforcing the perception that United Nations peacekeeping operations could disregard with impunity the rights of people being protected. It also undermined the credibility of the United Nations; jeopardized the immunity of the United Nations by making it synonymous with impunity; and left the United Nations vulnerable to eventual claims for damages and compensation by not providing the legally required settlement.

45. After his report was leaked to the *New York Times* in August 2016, the United Nations had reversed some of the most problematic aspects of its Haiti cholera policies. In particular, through the leadership of the Secretary-General and the Deputy Secretary-General, it had established a two-track Haiti Cholera Response Multi-Partner Trust Fund to raise at least US$400 million. The Trust Fund was operational, despite the devastation caused by Hurricane Matthew, which had both exacerbated the problems and complicated fundraising. In response to the review of scientific literature contained in his report, there had been a de facto abandonment of the long-held position that it was unclear whether or not the United Nations forces had introduced cholera. He remained hopeful that an apology would be issued, although there had not yet been any recognition of legal responsibility,

any agreement on the use of terms such as 'compensation' or 'reparations' or any legal settlement, as required by law.

46. Given the political will of the United Nations to resolve the issue by taking all necessary and feasible measures, it was unclear why the relevant steps had not been taken. Although it had not been publicly acknowledged by anyone in the United Nations, his inquiries had shown that the most significant obstacle to resolving the matter in a way that comported with the rule of law, respected human rights, restored the credibility of the United Nations, and honoured the victims, was the insistence by the Office of Legal Affairs that the United Nations must avoid accepting responsibility. That position was compounded by the veil of silence that had been drawn over the issue to the extent that no official would discuss the matter publicly or privately. The Office had neither made the relevant advice public, nor provided it to other United Nations offices. There had been no satisfactory official explanation of the policy, no public attempt to justify it, and no known assessment of its consequences for future claims.

47. It was unclear why the Office of Legal Affairs had taken such an uncompromising and destructive position, which was not supported by relevant longstanding practice or its own prior advice. One plausible explanation was a concern that any acceptance of responsibility would potentially jeopardize the immunity of the United Nations in the case of Haiti or in future lawsuits. However, there was no basis in law or practice to justify elevating that largely hypothetical and speculative concern to the extent that it superseded an otherwise compelling case for respecting international legal obligations. Such actions constituted impunity masquerading as legal prudence, and raised questions about the ethical duties of legal advisers.

48. There was reason to believe that the position adopted by the Office of Legal Affairs was consistent with views pressed at the time by the United States of America. Although it had a strong interest in the issue as a neighbour of Haiti and the principal contributor to the United Nations peacekeeping budget, the United States had never responded to requests to publicly state its legal position on the matter. The American position seemed to be based on the idea that the United Nations must follow American legal practice, which generally avoided accepting legal responsibility when it could possibly be avoided, due to the unknown consequences for subsequent litigation. The United Nations, however, operated in a radically different context to the American legal system; its reputation for compliance with the rule of law and international law, including human rights, was part of its raison d'être.

49. A viable and principled alternative for the United Nations would be to follow the procedure in the Convention on the Privileges and Immunities of the United Nations, and provide an appropriate mode of settlement for the victims' claims. That approach would neither jeopardize the immunity of the United Nations, nor lead to any higher financial settlement than had already been proposed. It would not open any floodgates of future claims for crimes such as sexual abuse by peacekeepers, as those were not private law matters. It would also enable the United Nations to live up to its international legal obligations and its commitment to the rule of law, human rights, transparency and accountability.

50. The second option was to accept the view put forward by lawyers that all conceivable legal risks should be avoided, no matter how attenuated, speculative and unlikely they might be. That approach involved the rejection of legal responsibility even in cases in which the law and longstanding precedent would demand it. The result would be the rejection of accountability and the embrace of both immunity and impunity, which were contrary to everything for which the United Nations stood.

51. The choice of either approach would have significant legal and practical consequences. The consequences of following the advice of the Office of Legal Affairs would include the inability of the United Nations to ever accept responsibility in the Haiti case unless the legal position was changed; the ambiguity about the causes of the outbreak would then remain unresolved. Furthermore, instead of paying reparations, all payments would be made on an ex gratia basis, which would be viewed by many as an act of charity. It would make a mockery of the cathartic role played by a public apology and recognition of responsibility, as well as of international legal norms relating to reparation and assurances of non-recurrence. Moreover, in the absence of accountability there was

no incentive for changes to be made to United Nations practices. The Haiti case showed that, when an international organization was primarily concerned with avoiding responsibility and controlling potential damage to its own reputation, attention was distracted from the pressing cause, appropriate action was delayed, and peacekeepers were slow to learn key lessons. That approach would cause further damage to the reputation of the United Nations among the very people it was supposed to be assisting.

52. The position taken in the Haiti case would impact any future cases in which the United Nations might be involved. Instead of providing for a mechanism capable of resolving disputes quickly and consistently with the rule of law, the approach advocated by the Office of Legal Affairs subjected any future claimants to a lengthy process of public demands and would cause embarrassment for the United Nations, before perhaps leading to an eventual settlement.

53. Two steps were therefore required. The United Nations must revisit the fundamentally flawed 2013 legal advice and replace it with a procedure that protected the Organization's immunity, while avoiding impunity. Member States should back up their words of sympathy and concern for the cholera victims by making generous contributions to the Trust Fund.

54. **Mr. Rattray** (Jamaica) said that the Special Rapporteur's report gave his delegation hope that the calamitous situation in Haiti and the denial of responsibility by the United Nations had not gone unnoticed. The abdication approach described by the Rapporteur did a grave disservice to the people of Haiti, called into question the impartiality and credibility of the Organization, and damaged its international reputation. While welcoming the announcement of an assistance package, his delegation also stressed the need to provide redress for those affected by the outbreak, and to assist Haiti in working toward its development goals. He asked how Member States could help move the Organization's response in the right direction.

55. **Ms. Anichina** (Russian Federation) said that the Special Rapporteur should not have commented on the immunity of the United Nations as the interpretation and application of the relevant conventional basis fell outside his mandate. The immunity of international organizations was one of the factors that allowed them to function effectively.

56. **Ms. Marteles Gutiérrez del Alamo** (Spain) said that her country had been providing assistance to Haiti since the 2010 earthquake and after the devastation wreaked by Hurricane Matthew. Spain welcomed the Secretary General's announcement of a new approach to cholera in Haiti. Cholera could be eradicated if prevention were prioritized and transmission eliminated in the medium to long term through substantial investment in water and sanitation.

57. **Ms. Mkhwanazi** (South Africa) said that, notwithstanding the causes of the cholera outbreak in Haiti in 2010, the report and its findings centred on the notion of the justiciability of economic, social and cultural rights. Her delegation requested further information on how best to encourage States to be more receptive towards that notion. The role of the company responsible for waste management could not be ignored. South Africa concurred with the Special Rapporteur that the approach of simply abdicating responsibility was self-defeating. She asked for the Special Rapporteur's views on the accountability of the corporate sector in cases where it violated human rights.

58. **Ms. Kirianoff Crimmins** (Switzerland) said that acknowledging moral responsibility towards the victims of the cholera epidemic in Haiti was as important as the specific measures proposed to combat the disease effectively and ensure hygiene and health in the long term. She urged the Secretary-General to take the steps necessary to implement the new United Nations strategy.

59. **Mr. Forax** (Observer for the European Union) said that the European Union welcomed the Deputy Secretary-General's proposal to implement a cross-cutting plan to combat the cholera epidemic in Haiti. He asked the Special Rapporteur how he envisioned the coordination of the various actions to halt the spread of the epidemic while pursuing implementation of the 2030 Agenda. He also requested the Special Rapporteur to provide recommendations on increasing the participation of civil society and those affected by extreme poverty in the decision-making process of the various action plans.

60. **Mr. Yang** Junzhi (China) said that China called on developed countries to honour their commitments to developing countries under the 2030 Agenda by providing them with adequate financial and technical support to improve their capacity to reduce poverty. Developing countries needed to formulate development strategies and economic policies in light of their specific situations, leverage their comparative advantages and enhance South-South cooperation. As the most populous developing country, China had always accorded priority to poverty eradication in its efforts to safeguard human rights; it had succeeded in lifting 700 million people out of poverty over 30 years, accounting for over 70 per cent of global poverty reduction. With regard to Haiti and the legal issue raised in the report regarding the interpretation of section 29 of the Convention on the Privileges and Immunities of the United Nations, China believed that that was a matter for the Sixth Committee rather than the Third Committee. He asked the Special Rapporteur whether he considered it part of his mandate to review legal advice of the Office of Legal Affairs and criticize its assessment of the non-receivability of claims under section 29 of the 1946 Convention.

61. **Mr. Adnan** (Iraq) said that his country had made great progress in reducing poverty rates and raising living standards with the assistance of the World Bank. His Government's strategy was aimed at ensuring peace and stability, but Iraq was facing the scourge of terrorism. The unstable security situation had a harmful effect on the population, especially the poor; there was a lack of job opportunities, scarcity of basic commodities, and low living standards. His Government was nevertheless working to promote good governance, fight corruption and enhance infrastructure.

62. **Mr. Régis** (Haiti) said that the Special Rapporteur's report gave his country hope. By acknowledging its responsibility, defending human rights and respecting human dignity, the United Nations would be equal to its purposes and principles. The Secretary-General had urged all Member States to cooperate in paying the necessary compensation, in accordance with basic legal principles. The response of the United Nations and the Member States would be seen as a test of their commitment to human rights and a fairer, more inclusive world. The political will of the United Nations had helped Haiti confront the epidemic; the same political will was needed from Member States and demanded the mobilisation of sufficient resources, without which little would change. Swift action was needed.

63. **Mr. Alston** (Special Rapporteur on extreme poverty and human rights), said that the new approach proposed was a huge breakthrough that could potentially mobilize $400 million in new funding, but was based on highly unsatisfactory circumstances. It was important to remember that many other countries could be affected by similar situations, and the reputation of the United Nations could again be at stake.

64. On the issue of the position taken by the United States Government, he said that members of the United States Congress had ironically called for their Government to pressure the United Nations to act correctly in the Haiti situation, seemingly unaware of the obstructive role played by their country. He believed that civil society organizations such as the Bureau des Avocats Internationaux and the Institute for Justice and Democracy in Haiti mentioned in his report had been absolutely central in exerting pressure on Member States, and he urged them to continue doing so. He hoped that the new Secretary-General would be prepared to reconsider the matter, but that would be difficult if outside political pressure continued.

65. He agreed entirely with the representative of the Russian Federation that immunity was important and that the Convention on the Privileges and Immunities of the United Nations must be respected.

66. He agreed with the representative of South Africa that corporate responsibility was important. However, States and international organizations also had responsibilities. The contractor in Haiti had been employed by the United Nations and negligence was covered by the contract, so the United Nations was as responsible as the corporate contractor.

67. In response to the question from the observer for the European Union on reconciling human rights and development approaches, he said it was imperative to advance on both fronts. The fact that an assistance package was being developed did not eliminate the human rights claims. As to the question on how civil society should be involved, he said that, following the issuance of his draft report in August 2016, he had

been informed that there would be full consultation with stakeholders, which was very promising. The constant involvement of victims and their representatives in the subsequent process was also required.

68. Congratulating China on lifting hundreds of millions of people out of extreme poverty, he said that he would be more than happy for the legal issue relating to the interpretation of the Convention on the Privileges and Immunities of the United Nations to be handled by the Sixth Committee, but no one had yet proposed that. As to whether it was appropriate for him to challenge the legal assessment of the Office of Legal Affairs, he said that the details of the legal opinion had been unknown even to senior officials; he refused to abdicate responsibility even if it were not considered appropriate for a Special Rapporteur to consider the issue of accountability of the United Nations and Member States.

69. Responding to the representative of Haiti, he said that the reputation of the United Nations had been tarnished not just as a result of failure to pay compensation, but above all by the disgraceful failure to admit that cholera had arrived through the negligence of the United Nations and its peacekeepers. He had hoped that the Secretary-General would end his term by issuing a genuine apology and offering compensation to the victims in Haiti. He had also hoped that the United Nations would implement a procedure based on the Convention on the Privileges and Immunities of the United Nations to avoid a similar situation in the event of future peacekeeping disasters. Sadly that had not happened.

70. The main challenge now was to ensure the availability of financial resources. States clearly did not consider it important to help Haiti financially, as only 18 per cent of the Trust Fund had been contributed. There was a strong feeling that the money being requested was not likely to be forthcoming; the Deputy Secretary-General had indicated recently that he would like $100 million intended for victims to come from the regular United Nations budget. The Special Rapporteur urged Member States to agree to that proposal and enable compensation to be paid to victims urgently.

The meeting rose at 12.35 p.m.